

The Regular meeting of the Finance/Executive Committee of the Atlanta City Council was held Wednesday, March 30, 2011, at 1:00 p.m. in Council Chambers, City Hall South, 2nd Floor.

Present: Councilmember Yolanda Adrean, Chair Joya C. De Foor, CFO
 Councilmember Felicia A. Moore Departmental Staff
 Councilmember Howard Shook
 Councilmember Alex Wan
 Councilmember C.T. Martin
 Councilmember Aaron Watson

Absent: Councilmember H. Lamar Willis

Chairperson Adrean called the meeting to order at 1:10 p.m. after declaring a quorum present. The Committee members present were introduced as follows: Councilmembers Felicia A. Moore, Howard Shook, Alex Wan, C.T. Martin and Aaron Watson. Other Departmental staff was present as well.

The Agenda was adopted as printed with one First Read Ordinance to move money in the Department of Watershed Management fund for the AJC building. The motion was made to Accept the Agenda, **Approve 3 Yeas, 1 Nay.**

DISCUSSION ITEMS/PRESENTATIONS

1. 2011 General Assembly Update – Megan Middleton, Intergovernmental Affairs Manager

Ms. Megan Middleton: Mayor's Office of Intergovernmental Affairs Manager addressed the Committee by stating that the first page of legislation is of interest. The House went back into the Rules Committee. We will be back on April 12th and 14th for the last two days of Session. **SB 122** allows for private-public memberships for water projects. We are watching **HB 256** for 911 fees on cell phones. Another one is **HB 280** for Cities and Counties to use funds from the Emergency Telephone System Fund, right now it is prohibited. It will be used for Pension, healthcare, etc. **HB 309** has been incorporated into **HB 279**. It will cut down on stolen cars. Next page **HB 382** is for hotel tax to be 8% instead of 7%. Atlanta is the only City at 7%. **HB 387** is the State Tax Reform Bill. This will eliminate franchise fees, but put on cell phones and cable for 7%. 3.5% will go to Cities, Counties and State. This bill is being worked on and amended. Councilmember Shook asked about **HB 37**, is it revenue neutral. CFO De Foor added that we reviewed it and it is as it is reported. Councilmember Shook asked about a Special Session. Ms. Middleton responded that there is a special Session in August for redistricting. Councilmember Shook asked what is the rule? Ms. Middleton responded that the Governor sets the Agenda. Chairperson Adrean asked about the proposed Milton County. Ms. Middleton responded that it is dead. Chairperson Adrean asked about selecting a Chair for the School Board. Ms. Middleton responded that a bill allows for the Governor to select members for the School Board. She will follow up on it. Chairperson Adrean asked if it would take away the grandfathering seats and appoint members. Ms. Middleton responded that she has not seen the language. It is not specific to any Board. Chairperson Adrean asked about Senator Long having the legislation to select the Board.

CONSENT AGENDA

TO APPOINT MR. SAMUEL BACOTE TO SERVE AS A MEMBER OF THE FULTON COUNTY/CITY OF ATLANTA LAND BANK AUTHORITY

11-C-0456 (1) A Communication by Mayor Kasim Reed appointing **Mr. Samuel Bacote** to serve as a member of the Fulton County/City of Atlanta Land Bank Authority. This appointment is for a term of four (4) years, scheduled to begin on the date of Council confirmation.

FAVORABLE

Mr. Samuel Bacote: addressed the Committee by stating that he lives in the Candler Park area. This is his second term and he looks forward to four more years. It is his purpose to help the City and County to turn delinquent properties back to the tax role. Councilmember Moore stated she gives thanks from District 9. She then gave thanks for the properties on Woodmier. Mr. Bacote responded that we are doing some land banking and helping with green space as well as Community Land Trust. He will pass on the thanks to the Board.

TO APPOINT MR. PAUL E. VRANICAR, ESQ. TO SERVE AS A MEMBER OF THE FULTON COUNTY/CITY OF ATLANTA LAND BANK AUTHORITY

11-C-0458 (2) A Communication by Mayor Kasim Reed appointing **Mr. Paul E. Vranicar, Esq.** to serve as a member of the Fulton County/City of Atlanta Land Bank Authority. This appointment is to fill the unexpired term of Chris Norman and will expire on 9/07/2012.

FAVORABLE

Mr. Paul E. Vranicar: addressed the Committee by stating that he is honored to accept the appointment. He is happy to help in anyway. Councilmember Wan offered a motion to **Approve, 5 Yeas.**

TO AMEND CHAPTER 146, ARTICLE III, SECTION 146-76

11-O-0513 (1) An Ordinance by Finance/Executive Committee to amend Chapter 146, Article III, Section 146-76, of the City of Atlanta Code of Ordinances, to increase from ten (10) to thirty (30) the number of days required to establish permanent residency for the purpose of providing exemptions from the City's Hotel or Motel Occupancy Tax, so as to align with Section 48-13-51 of the Official Code of Georgia Annotated; and for other purposes.

FAVORABLE ON FIRST READ

TO WAIVE APPLICATION OF THE CITY'S PROCUREMENT AND REAL ESTATE CODE

11-O-0514 (2) An Ordinance by Finance/Executive Committee waiving application of the City's Procurement and Real Estate Code and allowing the City to remit to Humble Equipment, Inc. payment in the amount of \$108,000 for services rendered for runway surface and texturing at Hartsfield-Jackson Atlanta International Airport; all contracted work will be charged to and paid from FDOA 5501 (Airport Revenue Fund) 180302 (Maintenance Airfield) 5212001 (Consulting/Professional Services); and for other purposes.

FAVORABLE ON FIRST READ

TO WAIVE ARTICLE X ("THE PROCUREMENT AND REAL ESTATE CODE") OF THE ATLANTA CITY CODE

11-O-0515 (3) An Ordinance by Finance/Executive Committee authorizing the Mayor or his designee to waive Article X ("the Procurement and Real Estate Code") of the Atlanta City Code in order to exercise Agreement Renewal Option Number 1 with Trinity Services Group, Inc., for FC-6006007878, Inmate Food Services, and to ratify prior retention of Inmate Food Services subject to the agreement since December 29, 2006 on behalf of the Department of Corrections, in an amount not to exceed \$1,100,000.00 for the

purpose of providing food, labor, supplies and material necessary for the preparation of food for detainees in the Atlanta City Detention Center (ACDC). All contracted work shall be charged to and paid from; 7701 (Trust Fund), 090101 (CORR Commissioner of Corre), 5212001 (Consulting/Professional), 1320000 (Chief Executive), 200769 (Jail Fund Administration), 91491 (Jail Admin N Const 9996); and for other purposes.

FAVORABLE ON FIRST READ

TO AMEND CHAPTER 2, ARTICLE V, DIVISION 2, SUBDIVISION III, SECTION 2-370, 2-372, 2-373, 2-375 AND 2-376 OF THE CODE OF ORDINANCES

11-O-0350 (1) An Ordinance by Finance/Executive Committee to amend Chapter 2, Article V, Division 2, Subdivision III, Section 2-370, 2-372, 2-373, 2-375 and 2-376 of the Code of Ordinances of the City of Atlanta and to add new Sections 2-378 and 2-379 so as to effectuate Phase One of the Reorganization of the City of Atlanta Department of Finance; to repeal conflicting Ordinances; and for other purposes.

FAVORABLE

CFO De Foor stated that the Department of Finance has been in the survival mode. She checked with managers to look at best practices, etc. The recommendation is a summary to restore Risk Management, Financial Systems (to prioritize the systems), Debt and Investments does more Treasurer Services work and Consulting Services. Revenue Forecasting will be put in the Office of Budget and Fiscal Policy, Records Management will be moved to Legislative and Administrative Services. Chairperson Adrean asked if Cash Pool would be in Accounting. CFO De Foor responded yes. The current Organizational Chart is in the black and the new positions are in the blue. It saves the City money and reduces the head count. Chairperson Adrean asked about Risk Management. Where did Worker's Compensation reside. CFO De Foor responded in the Controller's Office. We are looking to hire someone with more expertise and experience. They will analyze risks for the City. To restore the Financial Systems is in liaison with DIT. This person will cross train our systems people. We have only one person in the Department of Finance who is an expert in Oracle. Management Consulting is to maintain best practices across the Country. As we identify it, we would implement it. Pension Administration will be transferred to Legislation and Administrative Services. The last page is the budget cost for the positions. It is budget neutral and saves the budget \$10,000. We will work on the Strategic Plan. Councilmember Shook offered a motion to **Approve, 5 Yeas.**

TO UTILIZE STATE OF GEORGIA CONTRACT GS-23F-0258L

11-O-0351 (2) An Ordinance by Finance/Executive Committee authorizing the Mayor to utilize State of Georgia Contract GS-23F-0258L, for Maintenance and Professional Services of the Verint's Work Force Optimization Software; waiving certain provisions contained in the City of Atlanta Code of Ordinances, Article X, Procurement and Real Estate Code, to ratify the prior provision of Services provided by Adtech-GESI, LLC on behalf of the Department of Watershed Management, in an amount not to exceed twenty-five thousand eight hundred seventy-eight dollars and no cents (\$25,878.00); all contracted work shall be charged to and paid from Fund Department Organization and Account Number 5051 (Water & Wastewater Revenue Fund) 5213001 (Consulting/Professional Services Technical) 170113 (DWM Watershed Information Systems) 1535000 (Data Processing Management Information System); and for other purposes.

FAVORABLE

Mr. Michael Dogan: Acting Chief of Information Technology addressed the Committee by stating that this is for the Department of Watershed's hardware for the Call Center. We are asking for an agreement for no longer than one year. Councilmember Martin offered a motion to **Approve, 5 Yeas.**

TO WAIVE THE PAYMENT PROVISIONS CONTAINED IN THE CITY OF ATLANTA CODE OF ORDINANCES, ARTICLE X, PROCUREMENT AND REAL ESTATE CODE

11-O-0352 (3) An Ordinance by Finance/Executive Committee waiving the payment provisions contained in the City of Atlanta Code of Ordinances, Article X, Procurement and Real Estate Code, to ratify the prior provision of Printer Maintenance and Support Services by Xerox Corporation under an expired Agreement for the period beginning August 1, 2010 through March 31, 2011 for an amount not to exceed ninety-nine thousand, two hundred ninety-five dollars and thirty-six cents (\$99,295.36); to authorize the Mayor or his Designee to enter into an appropriate Cooperative Purchasing Agreement with Xerox Corporation utilizing General Services Administration Contract Number GS-35F-0662M for Printer Maintenance and Support Services for one (1) month beginning April 1, 2011 in an amount not to exceed thirteen thousand, five-hundred eighty-nine dollars and fourteen cents (\$13,589.14), to be charged to and paid from 1001 (General Fund) 050206 (Mainframe Operations) 5222002 (Repair & Maintenance-Equipment) 1535000 (Data Processing/Management Information System); and for other purposes.

FAVORABLE

Mr. Dogan stated that this is a copier contract that had expired and was paid month to month. We did a contract to replace this one. It runs W-2's, etc. We are asking for approval to pay the back services. We will get new legislation for Cannon. This is paying the old vendor for past services. Councilmember Martin offered a motion to **Approve, 5 Yeas.** Chairperson Adrean asked about the open contracts with DIT. Mr. Dogan responded that he passed out the information.

TO AUTHORIZE THE MUNICIPAL CLERK TO PLACE A PUBLIC ADVERTISEMENT IN A NEWSPAPER OF GENERAL CIRCULATION

11-R-0499 (1) A Resolution by Finance/Executive Committee authorizing the Municipal Clerk to place a public advertisement in a newspaper of general circulation, depicting the tax digest millage rate, tax levy and other information required pursuant to Sections 48-5-32 and 48-5-32.1 of the Official Code of Georgia Annotated; and for other purposes.

FAVORABLE

Councilmember Wan offered a motion to **Approve, 5 Yeas.** Chairperson Adrean stated that this is just a place hold not a tax increase.

TO RENEW A MEMORANDUM OF UNDERSTANDING WITH THE INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL INITIATIVES, INC. ("ICLEI")

11-R-0500 (2) A **Amended** Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to renew a Memorandum of Understanding with the International Council for Local Environmental Initiatives, Inc. ("ICLEI") for the purpose of hosting

the ICLEI Southeastern Regional Office; and for other purposes.
(Finance/Executive Committee Amendment attaches the Memorandum of Understanding, 3/30/11)

FAVORABLE AS AMENDED

Councilmember Shook asked what is the definition of host?

Mr. William Hawkins: of the Mayor's Office of Sustainability addressed the Committee by stating that ICLEI has been with us for a couple of years. They support sustainability initiatives. They have staff and resources on site. Councilmember Moore asked about the Memorandum of Understanding (MOU). Mr. Hawkins responded that it should have been attached. Chairperson Adrean asked where will staff be housed. Mr. Hawkins responded that they are occupying space at the Municipal Court. Chairperson Adrean offered a motion to attach the MOU. Councilmember Moore offered a motion to **Approve as Amended, 4 Yeas.**

TO EXECUTE RENEWAL NUMBER ONE WITH PULLEN ENERGY CONSULTING FOR FC-4992

11-R-0501 (3) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to execute Renewal Number One with Pullen Energy Consulting for FC-4992, on behalf of the Division of Sustainability, for a period of two years, in an amount not to exceed ninety five-thousand dollars and no cents (\$95,000.00) per annum; all contracted work to be charged to and paid from Fund, Department Organization and Account Numbers 2501 (Intergovernmental Fund) 040301 (Exe. COO) 5212001 (Consulting/Professional Services) 1320000 (Chief Executive) 04210643 (EECB) 250131886 (EECB); and for other purposes.

FAVORABLE

Mr. Hawkins stated that this is paid through the Energy Efficiency Block Grant. It is for R.M. Clayton. Councilmember Wan offered a motion to **Approve, 5 Yeas.**

TO ENTER INTO AN AGREEMENT WITH SOFTCHOICE OPTIMUS SOLUTIONS

11-R-0502 (4) An **Amended** Resolution by Finance/Executive Committee authorizing the Mayor to enter into an Agreement with Softchoice Optimus Solutions utilizing State of Georgia Contract SWC90813-02 for IBM Infosphere Guardium Software and Services, on behalf of the Department of Watershed Management, in an amount not to exceed fifty thousand one hundred fifty-one dollars and no cents (\$50,151.00); all contracted work will be charged to and paid from Fund, Department Organization and Account Number 5051 (Water & Wastewater Revenue) 170113 (DWM-Information Systems) 5212001 (Consulting/Professional) 1535000 (Data Processing/Management); and for other purposes.
(Finance/Executive Committee Amendment to add an addition Resolve Clause to reflect the term of service in the Fourth Whereas, 3/30/11)

FAVORABLE AS AMENDED

Mr. Dogan stated that this software came about because of an audit. Councilmember Martin offered a motion to **Approve, 5 Yeas.** Chairperson Adrean asked if it is specific to Watershed. Mr. Dogan responded that the need was in Watershed. Councilmember Moore asked if they made sure it was competitively priced. Councilmember Shook stated that there was a service and amount involved, but no term to refer to. It should be in the active portion of the legislation. He offered an Amendment for an additional

Resolve Clause to reflect the term of service. We can take the Fourth Whereas and put it as an additional Resolve Clause. Councilmember Martin offered a motion to **Approve as Amended, 5 Yeas.**

TO ENTER INTO AN AGREEMENT WITH CDW-G

11-R-0503 (5) A **Substitute** Resolution by Finance/Executive Committee authorizing the Mayor to enter into an Agreement with CDW-G utilizing General Services Administration Contract Number GS-35F-0195J in an amount not to exceed \$395,357.20; to enter into an Agreement with RB Communications, Inc. utilizing AHA Cooperative Agreement 2009-0034001 in an amount not to exceed \$373,371.95; and to enter into an Agreement with AT&T Communication Systems Southeast utilizing the State of California's Fast Open Contracts Utilization Services Contract Number 2005081 in an amount not to exceed \$162,000.00; for the purpose of providing various Voice and Data Services to prepare 72 Marietta Street for Occupancy by the City in an collective amount not to exceed nine hundred thirty thousand, seven hundred twenty-nine dollars and fifteen cents (\$930,729.15); all contracted work shall be charged to and paid from the listed Fund Department Organization and Account Numbers in the following amounts: \$388,959.20 – 5052 (Water & Wastewater Renewal & Extension Fund) 170113 (DWM Watershed Information Technology) 5421003 (Equipment (\$5,000+)) 1535000 (Data Processing/Management Information System); \$26,400.00 – 5051 (Water & Wastewater Revenue Fund) 170113 (DWM Watershed Information Technology) 5316001 (Equipment (\$1,000-4,999)) 1535000 (Data Processing/Management Information System); \$151,000.00 – 5051 (Water & Wastewater Revenue Fund) 170113 (DWM Watershed Information Technology) 5316002 (Equipment (\$0-999)) 1535000 (Data Processing/Management Information System)); \$11,000 – 5051 (Water & Wastewater Revenue Fund) 170113 (DWM Watershed Information Technology) 5213001 (Consulting/ Professional Services-Technical) 1535000 (Data Processing/Management Information System); \$20,000 – 5051 (Water & Wastewater Revenue Fund) 170113 (DWM Watershed Information Technology) 522203 (Repair & Maintenance-Other) 1535000 (Data Processing/Management Information System); and for other purposes. **(Finance/Executive Committee Substitute corrects the FDOA, 3/30/11)**

FAVORABLE ON SUBSTITUTE

Chairperson Adrean stated that we have a Substitute for the FDOA Numbers. We were asked by the Department to Hold. Councilmember Moore asked if there has been a budget amendment.

Ms. Katrina Taylor-Parks: Mayor's Office Deputy Chief of Staff addressed the Committee by stating that the items to be Held is Items #9 through #13.

Mr. Jim Beard: Deputy Commissioner of the Department of Watershed Management addressed the Committee by stating that the budget Amendment went through March 31st. Chairperson Adrean stated that we did a paper to move the money and this one describes what to do with the money. Councilmember Moore asked if there is a term. Mr. Dogan responded that it is a one-time cost. Councilmember Shook offered a motion to **Approve on Substitute, 4 Yeas, 1 Nay.**

TO ENTER INTO RENEWAL AGREEMENT NO. 1 WITH AT&T

- 11-R-0504 (6) A **Substitute** Resolution by Finance/Executive Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with AT&T for State of Georgia Contract GTA000187-002 AT&T Modems and Cellular Services, on behalf of the Department of Watershed Management in an amount not to exceed eighty-five thousand dollars and no cents (\$85,000.00); all contracted work will be charged to and paid from Fund Department Organization and Account Number 5051 (Water and Wastewater Revenue Fund) 170608 (DWM Plan Review) 5232003 (Wireless Telephone Expense) 4410000 (Water Administration); and for other purposes. **(Finance/ Executive Committee Substitute corrects the FDOA, 3/30/11)**

FAVORABLE ON SUBSTITUTE

Chairperson Adrean stated that we have a Substitute to correct the FDOA. Councilmember Moore offered a motion to **Approve on Substitute, 5 Yeas.**

TO EXECUTE RENEWAL AGREEMENT NUMBER 1 AND AMENDMENT NUMBER 1 FOR FC-60070000051

- 11-R-0505 (7) A Resolution by Finance/Executive Committee authorizing the Mayor to execute Renewal Agreement Number 1 and Amendment Number 1 for FC-60070000051, Parking Operation & Fee Collection Services for the purpose of managing and operating parking lots located at 143 Alabama Street and 818 Pollard Avenue, Amendment Number 1 is adding the site of the Atlanta Journal Constitution (AJC) Parking Lot on behalf of the Executive Offices-Office of Enterprise Assets Management. All Fees collected shall be deposited into 1001 (General Fund), Department 000002 (General Revenue Org.), Account 3222101 (Permits, Commercial Parking), Function Activity 00000000 and for other purposes.

FAVORABLE

Mr. John Levelle: of the Office of Enterprise Asset Management addressed the Committee by stating that this is a one-year renewal for parking for two City owned lots and to add a lot. Councilmember Wan asked for the financial impact. Mr. Levell responded that it is an anticipated employee lot during the day and at night public parking. It will generate \$105,000 per year. Councilmember Martin offered a motion to **Approve, 5 Yeas.** Councilmember Moore asked where are the revenues going to? Mr. Levell responded the General Fund. CFO De Foor added that she would provide the information.

Mr. Peter Aman: Mayor's Office Chief Operating Officer addressed the Committee by stating that it is general revenues. CFO De Foor added that the other two are the same (**Revenue Generating Lots**).

TO EXECUTE A CONTRACT WITH SOUTHERN TELECOM FOR FC-5168

- 11-R-0506 (8) A Resolution by Finance/Executive Committee authorizing the Mayor to execute a Contract with Southern Telecom for FC-5168, Fiber Integration Solution on behalf of the Department of Information Technology, in an amount not to exceed four hundred, twenty five thousand dollars and no cents (\$425,000.00); all contracted work to be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 050207 (Strategic Services) 5232001

(Communications) 1535000 (Data Processing/ Management Information System); and for other purposes.

FAVORABLE

Mr. Dogan stated that it allows connectivity to the 911 Center. Councilmember Martin offered a motion to **Approve, 5 Yeas.**

TO EXECUTE AMENDMENT NUMBER 7 WITH A-ACTION JANITORIAL SERVICES, INC. FOR FC-7665

11-R-0507 (9) A Resolution by Finance/Executive Committee authorizing the Mayor to execute Amendment Number 7 with A-Action Janitorial Services, Inc. for FC-7665-04A, Citywide Janitorial Services, on behalf of the Executive Offices, Office of Enterprise Assets Management to add the site and funding for the Atlanta Journal Constitution Building (AJC) in an amount not to exceed one hundred twenty thousand dollars (\$120,000.00) all contracted work is to be charged to and paid from Fund 5051 (Water and Wastewater Revenue Fund); Department 170100, Account 5222003, Function Activity 15120000; and for other purposes.

HELD ON SUBSTITUTE

The paper is Held on Substitute for a certification notice.

TO EXECUTE AMENDMENT NUMBER 7 FOR FC-6005007878

11-R-0508 (10) A Resolution by Finance/Executive Committee authorizing the Mayor to execute Amendment Number 7 for FC-6005007878 Citywide Elevator Service, between the City of Atlanta and Thyssen Krupp Elevator Corporation, on behalf of the Executive Offices-Office of Enterprise Assets Management, to add the site and funding for the Atlanta Journal Constitution Building (AJC) in an amount not to exceed fifty-four thousand dollars (\$54,000.00). All contracted work shall be charged to and paid from Fund 051 (Water and Wastewater Revenue Fund), Department 170100, Account 5222003, Function Activity 1512000, and for other purposes. (

HELD ON SUBSTITUTE

The paper is Held on Substitute for a certification notice.

TO ENTER INTO AMENDMENT NUMBER 8

11-R-0509 (11) A Resolution by Finance/Executive Committee authorizing the Mayor to enter into Amendment Number 8 to add the site and funding for the Atlanta Journal Constitution Building (AJC) on behalf of the Executive Office-Office of Enterprise Assets Management with Dothan Security, Inc., (DSI) for FC-6005007888B, Citywide Security Guard Services on behalf of the Executive Offices-Office of Enterprise Assets Management, in an amount not to exceed one hundred fifty thousand dollars (\$150,000.00). All contracted work shall be charged to and paid from Fund 5051 (Water and Wastewater Revenue Fund), Department 170100, Account 5222003, Function Activity 1512000, and for other purposes.

HELD ON SUBSTITUTE

The paper is Held on Substitute for a certification notice.

TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT

- 11-R-0510 (12) A Resolution by Finance/Executive Committee authorizing the Mayor to enter into a Cooperative Purchasing Agreement pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing Contract Number 081TB64114K-JD, between Fulton County and Prime Contractors on behalf of Executive Offices-Office of Enterprise Assets Management for Fast Track Repairs and Construction Task Orders for the Atlanta Journal Constitution Building (AJC), in an amount not to exceed two hundred thousand dollars (\$200,000.00), to be charged to and paid from Fund 5051 (Water and Wastewater Revenue Fund), Department 170100, Account 5222003, Function Activity 1512000; and for other purposes.

HELD ON SUBSTITUTE

The paper is Held on Substitute for a certification notice.

TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT

- 11-R-0511 (13) A Resolution by Finance/Executive Committee authorizing the Mayor to enter into a Cooperative Purchasing Agreement pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing Contract Number 20108-01, between Atlanta Independent School System and Graebel Atlanta Movers, Inc., on behalf of Executive Offices-Office of Enterprise Assets Management and the Department of Watershed Management for Relocation Services for 72 Marietta Street (formerly the Atlanta Journal Constitution Building (AJC), in an amount not to exceed seven hundred fifty thousand dollars (\$750,000.00), to be charged to and paid from Fund 5051 (Water and Wastewater Revenue Fund), Department 1701000, Account 5222003, Function Activity 1512000; and for other purposes.

HELD ON SUBSTITUTE

The paper is Held on Substitute for a certification notice.

TO UTILIZE GEORGIA STATE CONTRACT SWC050755

- 11-R-0512 (14) A Resolution by Finance/Executive Committee authorizing the Chief Procurement Officer to utilize Georgia State Contract SWC050755 to purchase Purchasing Card Program Services from Bank of America to allow the Atlanta High Intensity Drug Trafficking Area Task-Force ("HIDTA") to make necessary purchases in support of their investigation of illegal drug activities, on behalf of the Department of Police ("Department"), in an amount not to exceed nine-hundred thousand dollars (\$900,000) per year. All costs shall be charged to and paid from Accounts associated with HIDTA Grant Awards approved by the City Council of Atlanta; and for other purposes.

HELD

TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT

- 11-R-0527 (15) A **Substitute** Resolution by Finance/Executive Committee authorizing the Mayor to enter into a Cooperative Purchasing

Agreement pursuant to §2-1606 of the City of Atlanta Code of Ordinances, with CDW Government, LLC utilizing General Services Administration Contract Numbers GS-35F-0131R Software and GS-35F-0195J Hardware, for a VMWare Software Support and Maintenance Agreement in an amount not to exceed forty-nine thousand, one hundred fifty-five dollars and fifty-six cents (\$49,355.56) for one (1) year beginning March 31, 2011; to be charged to and paid from Fund Department Organization and Account Number 5501 (Airport Revenue Fund) 180107 (Department of Aviation, Aviation Information Services), Expenditure 5213001 (Consultant Professional Services Technical), Functional Activity 7563000 (Airport); and for other purposes. **(Finance/Executive Committee Substitute ..., 3/30/11)**

FAVORABLE ON SUBSTITUTE

Chairperson Adrean stated that we have a Substitute.

Mr. Dogan stated that this is in support of hardware and software at the Airport. It is a renewal for the support. Councilmember Moore offered a motion to **Approve on Substitute, 4 Yeas.**

TO AMEND ARTICLE VII DIVISION II OF CHAPTER II OF THE CODE OF ORDINANCES

10-O-0774 (1) An Ordinance by Councilmembers H. Lamar Willis and Alex Wan to amend Article VII Division II of Chapter II of the Code of Ordinances of the City of Atlanta so as to provide that it shall be unlawful for any City Officer or Employee to knowingly and willfully withhold information, make false or misleading statements or to give untrue testimony before any of its standing Committees; to provide that any Officer or Employee who is found to have violated this Provision shall be dismissed from the employ of the City; and for other purposes. **(Held, 4/28/10)**

HELD

TO AMEND CHAPTER 114, ARTICLE IV, DIVISION 12, SECTION 114-379

10-O-0874 (2) An Ordinance by Finance/Executive Committee amending Chapter 114, Article IV, Division 12, Section 114-379 of the City of Atlanta Code of Ordinances entitled "Layoff or Reduction In Force" so as to provide for the use of the Veterans Preference authorized by Section 114-207 during the calculation of retention points; and for other purposes. **(Held, 6/2/10)**

HELD

TO CREATE A PARKING PASS PROGRAM

10-O-1733 (3) An Ordinance by Councilmembers Michael Julian Bond, Joyce Sheperd, Aaron Watson, Keisha Lance Bottoms, H. L. Willis, Ivory Lee Young, Jr., C.T. Martin, and Yolanda Adrean authorizing the Mayor or his designee to create a Parking Pass Program for all duly appointed members of City Boards and Commissions; and for other purposes. **(Held, 9/29/10)**

HELD

TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA LAWS P. 4469

- 10-O-1739 (4) An Ordinance by Councilmember Natalyn Mosby Archibong to amend the Charter of the City of Atlanta, Georgia, 1996 Ga Laws P. 4469 et seq. adopted under and by virtue of the Authority of the Municipal Home Rule Act of 1965, O.C.G.A. Section 36-35-1 et seq. as amended, by amending Part 1 (Charter and Related Laws), Subpart A, (Charter), Article III (Executive), Chapter 3 Entitled (City Departments), Section 3-305 of the City of Atlanta's Code of Ordinances by adding a new Sub-Paragraph (d); and for other purposes. **(2nd Reading, 1st Adoption, 9/29/10); (3rd Reading, Final Adoption, Substituted as Amended and Held, 10/13/10 by Committee for additional information)**

HELD

TO CONCERN THE FUTURE OF REGIONAL TRANSIT

- 10-R-1869 (5) A Resolution by Atlanta City Council of the City of Atlanta, Georgia concerning the future of Regional Transit under the 2010 Transportation Investment Act. **(Held, 10/27/10)**

HELD

TO TRANSFER \$143,443.70 FROM THE DISTRICT 9 COUNCIL-MEMBER NON-DEPARTMENT EXPENSE ACCOUNT FUND

- 11-O-0103 (6) An Ordinance by Councilmember Felicia A. Moore to transfer one hundred forty three thousand four hundred forty three dollars and seventy cents (\$143,443.70) from the District 9 Councilmember Non-Department Expense Account Fund to the Department of Public Works to be used to construct sidewalks, driveways curbs and gutters for the Simms Avenue and Johnson Road Curbing Projects and the Bolton Road/Marietta Boulevard Intersection Project; and for other purposes. **(Held, 2/2/11)**

HELD

TO EXECUTE AN AGREEMENT WITH PATTON BOGGS, LLP FOR FC-5184

- 11-R-0258 (7) A Resolution by Finance/Executive Committee authorizing the Mayor to execute an Agreement with Patton Boggs, LLP for FC-5184, Consulting and Lobbying at the Federal Government Level, on behalf of the Department of Aviation and the Department of Watershed Management, in an amount not to exceed \$300,000.00; all contracted work shall be charged to and paid from FDOA Numbers listed; and for other purposes. **(Referred back to Finance/Executive Committee from City Council, 2/2/11); (Held,, 3/2/11); (Finance/Executive Committee Substitute changes an Airport Account Number, 3/30/11)**

FAVORABLE ON SUBSTITUTE

Ms. Middleton stated that this Substitute changes an Airport Account Number. This was passed in February. Councilmember Moore stated that we want a periodical report. She then offered a motion to **Approve on Substitute.**

TO ENTER INTO AN AMENDMENT AGREEMENT NO. 1

- 11-O-0268 (8) An Ordinance by Finance/Executive Committee authorizing the Mayor to enter into an Amendment Agreement No. 1 for the constructed wetlands project cost share agreement located in McDaniel Branch with the United States Army Corps of Engineers ("USACE") to include an additional property located on Land Lot F0073 of the 14th (FF) District, Fulton County Georgia parcel Number 14F-0073-LL-074-9 of the 14th (FF) District, Fulton County Georgia, Parcel Number 14F-0073-LL-074-9; to authorize the Mayor to enter into an agreement with property owners and other appropriate documents for the acquisition of the properties to include in the constructed wetlands project cost share agreement located in McDaniel Branch; to waive portions of Article X of the procurement and real estate code; to authorize the city attorney to use the assistance of outside counsel to effectuate the acquisition; to authorize the Chief Procurement Officer to obtain title work, surveys, environmental tests, appraisals and other appropriate due diligence items to effectuate the acquisition of the property; to charge and pay for acquisition costs from Fund Department Account and Organization number 5051 (Water & Wastewater Revenue Fund) 5212001 (Consulting/Professional Services) 170602 DWM Greenway Planning & Acquisition) 7410000 (Planning & Zoning) in an amount not to exceed one hundred thousand dollars and no cents (\$100,000.00); and for other purposes. **(Held, 3/16/11)**

HELD

TO AMEND THE FISCAL YEAR 2011 NORTHWEST ATLANTA (PERRY/BOLTON) FUND BUDGET

- 11-O-0269 (9) An Ordinance by Finance/Executive Committee to amend the Fiscal Year 2011 Northwest Atlanta (Perry/Bolton) Fund Budget by amending Ordinance 10-O-0901 to anticipate and appropriate Tax Allocation Increment in the amount of \$4,500,000.00 from the City of Atlanta Northwest Atlanta (Perry/Bolton) Tax Allocation District for the purpose of constructing and equipping a new Northwest Atlanta fire Station, a mini-police precinct, and a community assembly room ("Fire Station 28 Project"); and for other purposes. **(Held, 3/16/11)**

HELD

TO ADOPT THE 2011 UPDATE TO THE CITY OF ATLANTA FIVE YEAR FINANCIAL STABILIZATION PLAN

- 11-R-0353 (10) A Resolution by Finance/Executive Committee adopting the 2011 update to the City of Atlanta Five Year Financial Stabilization Plan; and for other purposes. **(Held on Substitute, 3/16/11); (Finance/ Executive Committee Amendment moves some of the new initiatives, 3/30/11)**

FAVORABLE AS AMENDED

Chairperson Adrean asked if there is a Substitute or Amendment because we want to move some of the new initiatives. CFO De Foor responded that the list includes a 1.5 step increase, hire 21 firefighters, etc. Councilmember Moore stated that if we are taking out the page it needs to be removed (page #13) and insert this new page in lieu thereof. There are a few other pages to be amended. Chairperson Adrean stated that she spent considerable amount of time with the document. This Councilmember is

ready to move forward. We will see a more powerful tool. We have done a good job this year. Councilmember Wan stated that he is trying to look over it. What is the time restraint? Chairperson Adrean stated that we are weeks pass due to passing it. Councilmember Moore wants to go line item by line item. We want to make sure everyone's amendment is added. She then offered a motion to **Approve as Amended, 4 Yeas.**

TO ENTER INTO A CONTRACTUAL AGREEMENT WITH KPMG LLP, FOR FC-5065

11-R-0376 (11) A Resolution by Finance/Executive Committee authorizing the City of Atlanta Internal Auditor to enter into a Contractual Agreement with KPMG LLP, for FC-5065, City of Atlanta Financial Statement Audit, in an amount not to exceed one million two hundred sixty thousand dollars (\$1,260,000.00); all contracted work shall be charged to and paid from Fund, Department, Organization and Account: 1001 (General Fund) 200101 (NDP Reservation of Funds) 5212001 (Consulting/Professional Services) 1512000 (Accounting); and for other purposes. **(Held, 3/16/11);**

FAVORABLE

Mr. Leslie Ward: Internal City Auditor addressed the Committee by stating that she would go through the document. Councilmember Moore stated that there are a lot of questions and answers. Some Councilmembers that had questions are not here now. Do we want to send it Forward With No Recommendation so others can ask questions. We can have the discussion on the Council level. Chairperson Adrean stated that she is interested in a Committee doing its own work. Councilmember Wan stated that we should do as much as we can now. Ms. Ward stated that she understands the need to take the time going over it. The 1st question is for the different funding amounts. They are based on the set of information, hourly rates. We were able to look at the hours. We have included the entire package in Attachment #1 and a White Paper, which gives the total cost. Beyond that we cannot provide details. Chairperson Adrean asked how much did we pay in fees. Ms. Ward responded that is in the summary in the back of the package. For the last couple of years it was difficult before we had Oracle. We paid close to \$1 million dollars in the last couple of years. Councilmember Watson stated that this is unreasonable to give this much information at the last minute. He asked why we chose a bid \$600,000 higher than the other two bids. Ms. Ward responded that she cannot speak to the scores, but we had numerous criterias of the norm. They are located in the report. Councilmember Watson stated that he finds it unbelievable that we do not choose African American businesses. Ms. Ward responded that we arrived with this firm because of 15 points out of 100. It is not out of line for professional services. We had additional scopes and accounting changes. Others did not have expertise to bring to the work. This is a not to exceed amount. This contract will be managed ongoing regarding the work and hours. It is not guaranteed that we will pay that full amount. Councilmember Watson stated that he wanted the public to hear the difference. Chairperson Adrean stated that the legislation is not to exceed \$1.1 million dollars. How can we increase our scope down to the \$600,000? Ms. Ward responded that we had to consider the factors taken into account. Councilmember Wan asked how can we feel comfortable with a large discrepancy? This is not the first time we have not gone with a low bidder. We are just challenging the process to make sure that we are fair. If something is wrong it is not for us to decide.

Mr. Adam Smith: Chief Procurement Officer addressed the Committee by stating that this procurement was transparent. If anything was wrong it would have been brought to his attention. This was a RFP and it was not a bid. A RFP price alone is not the factor. He stands by the process and nothing was wrong with it. It is consistent with other contracts. Councilmember Wan asked what would be the next step for others to challenge it. Mr. Smith responded that they have a right for a protest to be filed administratively then appeal it if they are not satisfied with his response. Councilmember Moore stated that her issue is just not getting the answers to the questions. She will abstain until Council's meeting. Attachment #3 is questions she

asked about before. How much have we paid the current vendor? They did not have to go through a second competitive process. Ms. Ward responded that in 2002 the City sought proposals and hired a firm and this company was a Joint Venture with that firm. The larger firm decided not to go for the third option. The company of Banks, Finley and White were the company in 2005. They took over the existing contract after one year. The 2002 audit was done by Ernest and Young. In 2005, only Banks, Finley and White responded. Councilmember Moore asked for the original agreement. Ms. Ward responded that it was for three years. In 2008 there was another extension without a competitive process. Councilmember Moore asked if they said that they would do it with an additional scope of \$600,000. How did they bid less when the previous year they bid more with less work? It is \$160,000 more than what we paid before. Is there a listing? Ms. Ward responded that we have information from the RFP for required reports. Attachment #2 is the scope of work in the RFP. The first paragraph is the first deliverable. The other is the third deliverable asking to audit what the City spent. Councilmember Moore asked if it is a requirement or best practice to use the same firm after so many years. Is it standard? Ms. Ward responded that it is a rule for public held standard to engage in the same partner every five years, but not for government. Additional recommendation is from GFOA to have the same for five years. It was our objective to go out because it was time. We were aware of those things, but it was not a criteria. It was a requirement from Procurement to go out and do a RFP. Chairperson Adrean asked why go out for the last year. Ms. Ward responded that we had a lot of turnovers in the Department of Finance in the past few years. We waived the Procurement Code this time. Pension is part of this deal. Question #2 is that we continued to use large firms. Question #3, ask that we provide a written justification, but we can't go into specifics. Question #4, ask to provide a list of evaluators, but we couldn't. Question #5, asked for the fees charged by the firm. Question #6, asks what is the difference in this year's RFP? Question #7, does the CFO support the expanded scope. CFO De Foor added that she requested expanding the scope. We wanted best practices. She felt more assured and comfortable with the smaller firms. She wanted to know sooner if there were concerns. Ms. Ward stated that question #9, she misunderstood. She explained the consequences for missing the deadline. It has to be completed by the end of December. We have not done contract terms for missing the deadlines. The deadlines could be the auditor or City's work. Councilmember Watson stated that there were references where the auditors had missed deadlines. Ms. Ward responded that she can't speak directly to everything that was done. A lot of things were not done by the end of December. We will manage the contract. Question #10, are potential issues that could lead to late completions internal or external? Question #11, provide documentation on the dispersion between bids? Particular information by KPMG cannot be shared, but we could share the RFP. Question #12, provide backup for the claim that KPMG is bringing more experience and expertise. We cannot share the criteria. Councilmember Watson stated that there were references about best practices with changing partners. Ms. Ward responded that we needed it to have competition. Question #13, could Banks, Finley and White change their engagement partner? Question #14, can the CFO be on the Evaluation Team? Councilmember Watson stated that we find best practices when certain questions are asked. Ms. Ward responded the best practice from audit is the GFOA and GMA requirements. She did not go looking for best practices. She is not aware of any recommended practices, but a variety of arrangements. Question #15, is a change in audit firms prudent in the middle of all of the other changes across the City? Question #16, asked if the Audit Committee been part of evaluations before. Ms. Ward responded, no. She will provide additional information. Traditionally until the last few years Finance has managed it. Councilmember Watson stated that private companies do it. Ms. Ward responded that she is not saying that anyone should change the Code. Government is limited to following its own applicable Laws. Councilmember Watson stated that he requests if there are Ordinances out of line, he hopes that staff will bring it to our attention.

Brother Mohammad: addressed the Committee by stating that a 26% increase was added to the contract and that is what's wrong with the financial restraints we have. It seems that something is not fair. How long are we supposed to hear about money not being accounted for? Councilmember Moore stated that Ms. Ward is an Independent

Auditor. She is appointed by the Mayor and Councilmembers. Brother Mohammad asked what would you allow with her choosing a firm? Councilmember Moore stated that the issue is that we have enjoyed the use of the African American firm that we had over the years. She has also learned about best practices is that they need to shift the senior management. She wants to support African American owned businesses. Based on the scope of work when we get to Council there is going to be some that are uncomfortable. What is the path going forward?

Mr. Peter Andrews: Deputy City Attorney addressed the Committee by stating if the paper fails or is voted down, the next step is to cancel procurement and issue an extension to the encumbered firm. Councilmember Moore asked who were the people involved, what extent and authority does Council have to shape the RFP. Deputy City Attorney Andrews responded that the processes are delegated to the Chief Procurement Officer. If Council wants to set in the Code who is on the review panel, it can be done. Councilmember Moore asked how does your office determine who looks at a RFP. Mr. Smith responded that it is by the user. We look at the resumes and discuss the qualifications. It is in conjunction with the Departments. It is a combination. Councilmember Moore asked if there was anything done in this process that should have been changed. Was it complete and in line. Mr. Smith responded that the procurement is not over. We will make a determination and he is completely satisfied now. Later he may have some points. Chairperson Adrean stated that if the paper fails, we would have to get an Outside Auditor. Councilmember Watson stated that we need some participation from the Audit Committee. Ms. Ward responded that the Audit Committee was briefed. We have been working hard and have had a lot of turnovers in the Audit Committee. She has some stability on the Committee at looking at the Charter. Councilmember Watson asked who writes the Charter. Ms. Ward responded that it was developed in 1996 and it has not been changed since then. Councilmember Watson stated that the Minority Participation is in the Code. Ms. Ward responded it is not for the Audit Committee. Councilmember Shook offered a motion to **Approve, 3 Yeas, 1 Nay, 1 Abstention.**

ITEMS NOT ON AGENDA

TO AMEND THE FY 2011 (WATER AND WASTEWATER REVENUE FUND) (5051) BUDGET

11-O-**** (1) An Ordinance by Finance/Executive Committee authorizing the Chief Financial Officer to amend the FY 2011 (Water and Wastewater Revenue Fund) (5051) Budget in the amount of one million, seven hundred eight thousand, five hundred twenty-two dollars and twenty cents (\$1,708,522.20) to transfer funds from the Water and Wastewater Revenue Fund Reserves for appropriations and add to appropriations for Atlanta Journal Constitution ("AJC") Building located at 72 Marietta Street for Services; and for other purposes.

FAVORABLE ON FIRST READ

Councilmember Moore stated that she did not see the General Fund amount. Ms. Taylor-Parks responded that it is about \$406,000 and will be available in the next two weeks.

Brother Mohammad stated that he has observed and think it is wrong to not be working in the best interest of the City. We have many streets that have been worked on several times while others haven't. The poor people are looked down on in the City of Atlanta.

Mr. Ron Shakir: addressed the Committee by stating that the City just wastes money. The City has to do some cross training. We have good educated citizens. We don't see or know what is going on with the City of Atlanta. He is concerned about the things that are going on in the City. Why are we continuing to push for the Streetcars and the Beltline? This City has lost some of the best resources when it closed down public

housing. He hopes that we look at this closely when we pass the Transportation Bill because it is a builder's initiative. To what extent will City taxes be used to build a stadium? Chairperson Adrean stated that we are not a partner with that. Mr. Shakir responded that there are initiatives for it. Chairperson Adrean stated that 80% of people that come in on Georgia 400 will take care of neighborhoods. These people have been asking for a ramp to get the cars off their streets. It is 50 cents for the toll. Mr. Shakir responded that the Mayor said that it is \$1 out of \$4 that would go to the Buckhead project. It should be spread out with considering all of the disparities with the City. Lastly, he asked about the number of 99% our trash being picked up. Why are we concentrating on corridors? We need to focus on the communities. Chairperson Adrean stated that we have a brochure that came out to help communities. Mr. Shakir responded that we have a lot of volunteers, but we need resources.

ADJOURNMENT

Having no further business before the Committee, the meeting was adjourned at 4:55 p.m.

Respectfully submitted,

Joya C. De Foor, CFO
Secretary

Charlene Parker
Recording Secretary

“The Department of Finance... because customer service is important to us.”